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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,070	06/25/2001	Lauge S. Sorensen	219.40065X00	6580
23838	7590	09/25/2007		
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/887,070

Applicant(s)

SORENSEN, LAUGE S.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,6-9,11-16,18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6-9,11-16,18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 3, 4, 6-9, 11-16, 18, 20-23 are presented for consideration.

#### ***Response to Arguments***

2. Applicant's arguments filed 06/18/2007 have been fully considered but they are not persuasive.
3. As per remarks, Applicants' argued that (1) MacFarlane does not teach searching the content for information with identifiers.
4. As to point (1), it is true that MacFarlane's paring process merely reduces the amount of data being transmitted by determining what a client can process and what it cannot. However, as defined by the Merriam-Webster dictionary, search is to read thoroughly. In this case, MacFarlane discloses a paring process comprising identifying a portion of the markup and creating a pared document [ paragraphs 0017-0019 ]. The paring process of MacFarlane includes reading in a portion of markup or data in the document and determining which of markup or data has been read in [ i.e. searching the content for information with the identifiers ] [ 63, Figure 4; Figure 5; and paragraphs 0057-0061 ]. In addition, MacFarlane discloses other prior art of read tags in HTML document in order [ i.e. searching the content for information with the identifiers ] [ 13, Figure 1; 25, Figure 2; and paragraphs 0049 and 0051 ].

5. As per remarks, Applicants' argued that (2) MacFarlane does not teach generating an HTTP header and having "the generated HTTP header include the information located in the content".

6. As to point (2), Applicant's disclosure provides an example of HTML meta tag reside in content and the result of the generated HTTP header [ specification, pages 6 and 7 ]. Similarly, MacFarlane discloses the meta tags which are used to define meta-information about the document [ i.e. content ] [ paragraphs 0077-0083 and 0087-0088 ], and MacFarlane discloses the HTTP servers may use the property name specified by the HTTP-EQUIV attribute to create an RFC 822 style header in the HTTP response [ i.e. generating a HTTP header for the content ] [ paragraph 0086 ]. MacFarlane provides an example of meta tag content, HTTP-EQUIV="Expires" CONTENT="Tue, Aug. 20, 1996 14:25:27 GMT", and the result in the HTTP header, Expires: Tue, Aug. 20, 1996 14:25:27 GMT [ i.e. the generated HTTP header including information located in the content ] [ paragraphs 0087-0090 ].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 6, 7, 11-16, 18, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindhorst et al. [ US Patent No 6,889,379 ], in view of MacFarlane et al. [ US Patent Application No 2001/0042081 ].

9. As per claim 21, Lindhorst discloses the invention as claimed including a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header [ i.e. authoring of text and more particularly to techniques for automatically generating HTML script ] [ col 1, lines 19-22; and col 19, lines 16-27 ], comprising:

- creating HTML or XML content by a developer [ i.e. creating a new page with new methods and properties ] [ col 20, lines 15-22 ];

- inserting information into said content by the developer [ i.e. the editor may step the developer through each method and property of the new object to allow the developer to modify the properties and methods as they are incorporated into the object of the new page ] [ col 20, lines 22-45 ], said inserted information having one or more associated identifiers [ i.e. meta name or meta HTTP-EQUIV ] [ col 20, lines 32-38; and col 22, lines 11-21 ].

- Lindhorst does not specifically disclose

- searching the content for information with the identifiers; and

- generating a HTTP header for the content, the generated HTTP header including the information located in the content; said information in said HTTP header to be used by an Internet cache to determine how long to store the HTML or XML content associated with the HTTP header.

- MacFarlane discloses

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searching the content for information with the identifiers [ i.e. get markup or data until end of document ] [ Figure 5; paragraphs 0059 and 0099 ];

generating a HTTP header for the content [ i.e. result in the HTTP header ] [ paragraph 0086-0090 ], the generated HTTP header including the information located in the content [ i.e. author, expiry date, a list of keywords ] [ paragraphs 0078-0085 ]; said information in said HTTP header to be used by an Internet cache to determine how long to store the HTML or XML content associated with the HTTP header [ i.e. to determine when to fetch a fresh copy of the associated document ] [ paragraphs 0087-0091 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and MacFarlane because the teaching of MacFarlane would allow to access an HTML page to extract data for use by other programs faster and transmission costs might be reduced [ MacFarlane, paragraph 0106 ].

10. As per claim 3, Lindhorst discloses wherein the HTML or XML content is created at a web server [ 701, Figure 11; col 19, lines 16-27; and col 24, lines 1-9 ].

11. As per claim 4, Lindhorst discloses the content comprises of at least one web page [ col 7, lines 65-67 ].

12. As per claim 6, Lindhorst discloses wherein the identifiers comprise at least one of a Meta tag, a label, a tag and a command [ i.e. meta name or meta HTTP-EQUIV ] [ col 20, lines 32-38; and col 22, lines 11-21 ].

13. As per claim 7, Lindhorst does not specifically disclose performing the searching and generating at a network node, the network node being at a different location than where the creating and inserting are performed. MacFarlane discloses performing the searching and generating at a network node [ 230, Figure 7; and paragraph 0103 ], the network node being at a different location than where the creating and inserting are performed [ 190, Figure 7; and paragraph 0102 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and MacFarlane because the teaching of MacFarlane would allow to access an HTML page to extract data for use by other programs faster and transmission costs might be reduced [ MacFarlane, paragraph 0106 ].

14. As per claim 22, it is apparatus claimed of claim 21, it is rejected for similar reasons as stated above in claim 21.

15. As per claim 11, it is rejected for similar reasons as stated above in claim 3.

16. As per claim 12, Lindhorst does not specifically disclose Internet cache control information. MacFarlane discloses Internet cache control information [ i.e. expiry date ] [ paragraphs 0084-0091 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and MacFarlane because the teaching of MacFarlane would allow to access an HTML page to extract data for use by other programs faster and transmission costs might be reduced [ MacFarlane, paragraph 0106 ].

17. As per claim 13, it is rejected for similar reasons as stated above in claim 6.

18. As per claim 14, Lindhorst discloses wherein the network comprises the Internet [ col 7, lines 60-62 ].

19. As per claim 15, Lindhorst does not specifically disclose wherein the at least one network node comprises an Internet cache. MacFarlane discloses wherein the at least one network node comprises an Internet cache [ i.e. proxy ] [ 230, Figure 7 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Lindhorst and MacFarlane because the teaching of MacFarlane would allow to access an HTML page to extract data for use by other programs faster and transmission costs might be reduced [ MacFarlane, paragraph 0106 ].

20. As per claim 16, it is rejected for similar reasons as stated above in claim 4.

21. As per claim 23, it is program product claimed of claim 21, it is rejected for similar reasons as stated above in claim 21.

22. As per claim 18, it is rejected for similar reasons as stated above in claim 4.

23. As per claim 20, it is rejected for similar reasons as stated above in claim 6.



24. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindhorst et al. [ US Patent No 6,889,379 ], in view of MacFarlane et al. [ US Patent Application No 2001/0042081 ], and further in view of Masters [ US Patent No 6,374,300 ].

25. As per claim 8, Lindhorst and MacFarlane do not specifically disclose wherein the network node comprises a router. Masters discloses wherein the network node comprises a router [ 114, Figure 1A; Abstract; and col 3, lines 61-65 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Lindhorst, MacFarlane and Masters because Masters' teaching of router would allow nodes to communicate with multiple destinations in a more organized manner.

26. As per claim 9, Lindhorst and MacFarlane do not specifically disclose performing the searching and generating by a network application at the router. Masters discloses performing the searching and generating by a network appliance at the router [ col 5, lines 17-21 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Lindhorst, MacFarlane and Masters because Masters' teaching of router would allow nodes to communicate with multiple destinations in a more organized manner.

**27. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen  
Examiner  
Art Unit 2154

A handwritten signature in black ink, appearing to read 'Dustin', with a stylized flourish extending to the right.